

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOSEPH VALENTINO

v.

UNITED STATES MARSHAL FOR
THE SOUTHERN DISTRICT
OF TEXAS.

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No. 4:20-CV-00304

**JOSEPH VALENTINO'S MOTION TO RECONSIDER
ORDER DENYING RENEWED MOTION FOR RELEASE**

TO THE HONORABLE GEORGE C. HANKS, JR.,
UNITED STATES DISTRICT JUDGE:

JOSEPH VALENTINO, Petitioner, through his attorney Chris Flood, files this Motion to Reconsider the Order Denying Renewed Motion for Release (Doc. 34), pending determination of a Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241.

1. On April 15, 2020, the date of this Court's Order Denying Mr. Valentino's Renewed Motion for Release, there were 449 federal inmates and 280 Bureau of Prisons ("BOP") staff who had confirmed positive tests results for COVID-19 nationwide, in 43 BOP facilities and 12 Residential Reentry Centers ("RRCs") affected nationwide.

As of June 22, 2020, there are 1,346 federal inmates and 172 BOP staff who have confirmed positive test results for COVID-19 nationwide, in 70 BOP facilities and 25 RRCs nationwide. There have been 87 federal inmate deaths and 1 BOP staff member death attributed to COVID-19 disease. <https://www.bop.gov/coronavirus/index.jsp>.

2. At the Houston Federal Detention Center where Mr. Valentino is housed, 7 inmates and 1 staff member have tested positive for COVID-19 as of June 22, 2020. *Id.* Mr. Valentino shares a cell with another inmate. Prisons are difficult places to institute social distancing and other public health measures.

3. Further, Houston's infectious disease expert Dr. Peter Hotez of Baylor College of Medicine stated on June 20, 2020, that "My observations if this trajectory persists: 1) Houston would become the worst affected city in the U.S., maybe rival what we're seeing now in Brazil, 2) The masks – good 1st step but simply won't be enough, and 3) We would need to proceed to red alert." <https://www.click2houston.com/news/local/2020/06/22/if-harris-county-continues-same-coronavirus-track-houston-could-be-worst-affected-city-in-us-expert-says/>.

4. Included in this Court's Order entered on April 15, 2020, is the conclusion that there is no immediate danger to Mr. Valentino at Houston FDC and therefore no special circumstance. In light of the above developments, Mr. Valentino respectfully requests that the Court reconsider its conclusion that there is no evidence of immediate danger to him at Houston FDC.

CONCLUSION

For the foregoing reasons, and for the reasons stated in his prior bail motions, Mr. Valentino respectfully requests that he be released upon reasonable conditions.

Respectfully Submitted,

/s/ Chris Flood

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ATTORNEY FOR JOSEPH VALENTINO

CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with Assistant United States Attorney Adam Laurence Goldman who stated that the United States is opposed to the relief requested in the above motion.

/s/ Chris Flood

Chris Flood

CERTIFICATE OF SERVICE

I hereby certify that on June 22, 2020, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Chris Flood

Chris Flood